

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

| | | |
|---------------------------------|---|-------------------------|
| WILLIAM M. PEARCE Plaintiff, |) | |
| |) | |
| |) | |
| v. |) | Case No.: 22cv02635-LKG |
| |) | |
| FRONTIER AIRLINES, INC. |) | |
| Defendant. |) | |
| _____ |) | |

DEFENDANT FRONTIER AIRLINES, INC.’S MOTION FOR SUMMARY JUDGMENT

Defendant, Frontier Airlines, Inc. (“Frontier”), respectfully moves, pursuant to Fed. R. Civ.

P. 56, for summary judgment in this matter, and states as follows:

1. Summary judgment is proper on Plaintiff’s age discrimination claim alleging failure to hire, as no genuine disputes of material fact exist and Mr. Pearce cannot satisfy the requisite elements under the *McDonnell Douglas* standard or the more stringent “but for” standard under the Age Discrimination in Employment Act.
2. Further, Mr. Pearce cannot demonstrate that all three of Frontier’s articulated non-age-related reasons for rejecting his application are pretextual.
3. Summary judgment is proper because Mr. Pearce cannot, as a matter of law, sustain a failure to hire claim (stemming from a comment regarding his excessive flight hours) based on a disparate impact theory. Established precedent further holds that a plaintiff cannot support a disparate impact based on an employer’s experience requirement.

For these reasons and those explained further in Frontier’s supporting Memorandum of Law, Frontier is entitled to judgment as a matter of law on Plaintiff’s age discrimination claims.

Dated: August 23, 2023

Respectfully submitted,

/s/ Peter J. Petesch

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Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2023, a copy of the foregoing Defendant Frontier Airlines Inc.'s Memorandum in Support of Its Motion for Summary Judgment was filed using the CM/ECF system and served by first-class mail, postage prepared, upon the following:

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/s/ Peter Petesch
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